

institution is situated, shall act as petitioner in instituting proceedings before the Eugenics Board. If the person to be operated upon is not an inmate of any such public institution, then the superintendent of welfare or such other official performing in whole or in part the functions of such superintendent of the county of which said inmate, patient, or non-institutional individual to be sterilized is a resident, shall be the prosecutor. It shall be the duty of such prosecutor promptly to institute proceedings as provided by this article in any or all of the following circumstances.

1. When in his opinion it is for the best interest of the mental, moral or physical improvement of the patient, inmate, or non-institutional individual, that he or she be operated upon.

2. When in his opinion it is for the public good that such patient, inmate or non-institutional individual be operated upon.

3. When in his opinion such patient, inmate or non-institutional individual would be likely, unless operated upon to procreate a child or children who would have a tendency to serious physical, mental or nervous disease or deficiency.

4. When requested to do so in writing by the next of kin or legal guardian of such patient, inmate or non-institutional individual.

5. In all cases as provided for in 35-55. (1933, c. 224, s. 4; 1935, c. 463, s. 1; 1937, c. 243.)

35-40. Eugenics Board of N. C. created. There is hereby created the Eugenics Board of North Carolina. All proceedings under this article shall be begun before the said Eugenics Board. This board shall consist of five members and shall be composed of (1) The Commissioner of Public Welfare of North Carolina; (2) the secretary of the State Board of Health of North Carolina; (3) the chief medical officer of an institution for the feeble minded or mentally defective of the State of North Carolina, not located in Raleigh; (4) the chief medical officer of the State Hospital at Raleigh; (5) the Attorney General of the State of North Carolina. Any one of these officials may for the purpose of a single hearing delegate his power to act as a member of said board to an assistant, provided said delegation is made in writing, to be included as a part of the permanent record in said case. The said board shall from time to time elect a chairman from its own membership and adopt and from time to time modify rules governing the conduct of proceedings before it, and from time to time select the member of the said board designated above as the chief medical officer of an institution for the feeble minded or mentally defective of the State of North Carolina not located in Raleigh. (1933, c. 224, s. 5.)

35-40.1. Eugenics Board authorized to accept gifts. The Eugenics Board of North Carolina is hereby authorized and empowered to accept gifts from any source to be used by the Board for the furtherance of the purposes for which said board was created. (1945, c. 784.)

35-41. Quarterly meetings. The Board of Eugenics shall meet at